

WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, Massachusetts 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

Date: December 23, 2008

Attorney
Docket No.: STA-001CX

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of: KHURI ET AL.

Entitled: SYSTEMS AND METHODS OF PH TISSUE MONITORING

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated July 25, 2008 of the Examiner finally rejecting claims 30-37 and 40-51.

The Commissioner is authorized to charge payment of \$270.00 to Deposit Account No. 23-0804 for the cost of the Notice of Appeal.

The following checked items are appropriate:

A timely response to the final rejection:

[] has been filed [] is hereby filed

An extension of time to respond to the final rejection:

1. [] was requested on _____ for ____ month(s);
 2. **[x] is hereby requested for 2 month(s) the Commissioner is authorized to charge payment of \$245.00 to Deposit Account No. 23-0804.**
 3. [] is included on the enclosed amendment transmittal form along with authorization to charge \$_____ to Deposit Account No. 23-0804 for the extension fee.
- [] In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- [X] The Commissioner is hereby authorized to charge payment of any additional filing fees under \$1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.**

Dated: December 23, 2008

/Thomas O. Hoover/
Attorney of Record: Thomas O. Hoover
Registration No.: 32,470